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MAY 14 1991

Federal Communications Commission
Office of the Secretary

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Of Counsel

May 14, 1991

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: MM Docket 91-10
Baldwin, Florida
M&A #15111

Dear Ms. Searcy:

On behalf of Charley Cecil and Dianna Mae White, d/b/a White Broadcasting Partnership, there is transmitted herewith an original plus six (6) copies of an Opposition to Petition for Leave to Amend and Amendment in the above-referenced Docket proceeding for a new FM Station at Baldwin, Florida.

Should there be any question regarding the attached Opposition, please contact the undersigned.

Very truly yours,


Denise B. Moline

DBM:wp
Attachment

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

ORIGINAL
RECEIVED
MAY 14 1991

Federal Communications Commission
Office of the Secretary

In re Applications of)	MM DOCKET NO. 91-10
)	
Charley Cecil & Dianna)	FILE NO. BPH-891214MM
Mae White, d/b/a)	
WHITE BROADCASTING PARTNERSHIP)	
)	
et al.)	
)	
For Construction Permit)	
for a new FM Station, Channel 289A)	
Baldwin, Florida)	
)	
To: Honorable Edward Luton		
Administrative Law Judge		

OPPOSITION TO PETITION FOR LEAVE TO AMEND AND AMENDMENT

Charley Cecil & Dianna Mae White, d/b/a WHITE BROADCASTING PARTNERSHIP ("White") by Counsel, pursuant to Section 1.294 of the Commission's Rules, hereby respectfully submits the instant Opposition to the Petition for Leave to Amend and Amendment filed by JEM Productions Limited Partnership ("Jem") on May 9, 1991, and requests that that Petition be denied. In support whereof, the following is shown:

1. Jem's Petition for Leave to Amend and Amendment requests leave (1) to update information regarding the ownership interests of its limited partner; (2) to report the assignment of Ms. Robin M. Rothschild's ownership interests in JEM to Joyce E. Morgan and Peter Knobel/Beylen Communications; (3) to amend its application to correct the date of filing of the Applicant's Certificate of Limited Partnership with the

State of Delaware; and (4) to provide a copy of its Notice of Proposed Construction (FAA Form 7460-1) submitted to the FAA on March 19, 1991. All of the amendments are untimely filed, and no good cause for acceptance of the amendments has been demonstrated. Moreover, acceptance of the amendments could result in impermissible comparative upgrading. The Petition should therefore be denied.

2. Section 73.3522(b) of the Commission's Rules sets forth the good cause standard for consideration and acceptance of post-designation amendments. Here, Jem has utterly failed to meet the "good cause" test for the filing of the instant amendment, and its Petition must be denied.

A. Updated Ownership Interests for Peter Knobel

3. Jem asserts that Ms. Morgan, Jem's General Partner, did not discover until recently that her passive limited partner had increased his ownership in other applications for new FM broadcast station construction permits until only recently. However, nowhere in Jem's original application are any ownership interests for Mr. Knobel or Beylen Broadcasting mentioned.¹ To date, except for the instant Petition for Leave to Amend and Amendment, Jem has filed no amendments with

¹See Attachment 1, copy of page 3 and Exhibit E-1 of Jem's originally-filed application. This Exhibit lists ownership interests in other applicants for Robin Rothschild, but no ownership interests for Mr. Knobel or Beylen Communications, Inc.

the Commission.² Thus, Jem attempts to amend information which has never been reported at all. The amendment is not merely an updating amendment, as represented by Jem, and moreover cannot be granted, since it is impossible of performance.

4. Furthermore, this amendment is grossly untimely. JEM could have amended its application at any time since December of 1989 to report the ownership interests of Mr. Knobel, and has offered no reason whatsoever for not doing so.³ JEM asserts that Ms. Morgan did not know that Mr. Knobel had increased his interests, but does not assert that Ms. Morgan did not know of his ownership interests in the first place. Indeed, JEM affirmatively stated in its application, which was certified by Ms. Morgan, that Mr. Knobel owned no other broadcast or media interests.⁴ Jem cannot be permitted to circumvent a matter which was apparently misrepresented in its original application, under the guise of an "updating" amendment in connection with its Integration and Diversification Statement.

5. The proposed amendment is not accompanied by any

²Counsel for White contacted the Mass Media Bureau's Public Reference Room personnel and confirmed that other than the instant May 9, 1991 amendment, no other amendments had been filed with the Commission.

³Mr. Knobel's other media interests consist of interest in other applicants which were filed in November, 1989 and in January of 1990.

⁴See Attachment 1.

certification, declaration or other affidavit by Ms. Morgan attesting to the fact of her ignorance of Mr. Knobel's other ownership interests, and the reasons therefor, or why she certified in JEM's original application that Mr. Knobel had no other such interests. Because of the factual discrepancies in matters set forth in the original application and the instant amendment, such a declaration would be required to explain away the representations in the original application. In the absence of such a Declaration, the portion of JEM's Petition regarding updating of Mr. Knobel's/Beylen Communications, Inc.'s other media interests must be denied.

B. Report of Assignment Transaction

6. Jem seeks to report the assignments of Robin M. Rothschild's ownership interest in JEM to Ms. Morgan and Peter Knobel/Beylen Communications, Inc., and claims that the assignments took place on May 3, 1991, and that the amendment is thus timely filed.

7. First, it should be noted that the assignments are not, as represented, from Robin Rothschild, individually, to Ms. Morgan and Mr. Knobel, individually, but rather from Atlantic-Pacific Broadcasting, Inc. a Delaware corporation, to Ms. Morgan and Beylen Communications, Inc. Neither Atlantic-Pacific Broadcasting, Inc. nor Beylen Communications have ever been mentioned as parties to JEM's application. If pro-forma assignments from Robin Rothschild to Atlantic-Pacific, and from Peter Knobel to Beylen Communications have ever taken

place, the Commission has never been informed, and no amendments have been filed to report such assignments, or the makeup of those corporate entities. Jem cannot be permitted to blithely amend to report transactions among entities which are not presently parties to its application. There are no documents of record to indicate that Atlantic-Pacific Broadcasting, Inc. or Beylen Communications, Inc. hold any interest whatsoever in JEM.

8. There is also cause to inquire into whether the date of the assignments is the true and correct date. Elsewhere in its Petition, Jem has provided a copy of a purported "Amendment" to its Agreement of Limited Partnership which is dated May 2, 1991.⁵ If the actual assignments took place a day later, on May 3, 1991, then the Agreement cannot be effective, since the interests stated therein as owned by Beylen Communications are not, in fact, actually owned as of the date of the Agreement. For the foregoing reasons, JEM's Petition regarding updated information on the assignments should be denied.

C. Date of Filing of Certificate of Limited Partnership

9. JEM seeks to amend Section II, item 3 of its

⁵JEM characterizes the May 2, 1991 Agreement of Limited Partnership as an "amendment"; however, it appears to be a new Agreement of Limited Partnership, not an amendment of the prior Agreement. This raises questions of exactly when JEM was actually organized. There is also no indication of whether this "amendment" was filed with the State of Delaware as the original Limited Partnership Agreement.

application to report that the date of filing of its Certificate of Limited Partnership with the State of Delaware was not December 14, 1989, as originally represented in JEM's application, but April 9, 1991. As good cause, JEM again asserts, without any corroborating Declaration or explanation from Ms. Morgan, that Ms. Morgan discovered the error only recently, and that in any event, the defect is not a disqualifying or fatal defect. As noted above, JEM's self-serving and unsupported statement of "error" without even a Declaration or other corroborating proof, cannot be credited.

10. More importantly, JEM's argument that its failure to file a Certificate of Limited Partnership is not a fatal defect is incorrect. The Commission, in its Report and Order, Revision of FCC Form 301, 4 FCC Rcd 3853 (1989) specifically changed FCC Form 301 to require the applicant to provide information regarding the date and place of the applicant's enabling charter. The additional information was added specifically in order to discourage applicants from filing sham and abusive applications, and to provide a basis for parties to the proceeding to verify that the entity actually exists. The Commission therein specifically anticipated that applicants must have their legal status formalized before filing their applications:

We believe that requiring applicants to provide this information in Form 301 will discourage sham applications. First, parties that choose to file in other than an individual capacity must formalize their legal status before stating it on the application. Because of the paperwork and

administrative formalities involved in setting up and maintaining a legal corporation or partnership, persons may be deterred from legally formalizing sham entities which they have created as fronts for applications. . . . Requiring this information will also force applicants to commit to a legal structure, which can thereafter serve as a benchmark for other applicants to investigate and test the validity of representations made in the application. . . .

Id., at 3857. (Emphasis in text.)

11. The Commission's Report and Order was released in April, 1989, and the revisions were enacted upon approval of the new reporting requirements by the Office of Management and Budget. JEM's application was filed on the revised FCC Form 301.⁶ Clearly, JEM was required to establish its legal status prior to the filing of its application in December, 1989. The cases cited by JEM in support of its Amendment were all decided before the effective date of the revisions, and are inapplicable to the situation at hand.

12. The Commission's action in the Revisions to FCC Form 301 were designed to prevent exactly the sort of sleight-of-hand which JEM attempts to practice here. The Commission noted that "[T]he legal structure of the applicant is significant because it defines who is a party to the application." Id., at 3856. Here, JEM has not only utterly failed to provide proof of its legal bona fides as a legally

⁶While Petitions for Reconsideration and review of the Commission's action were filed, these concerned the retrospective application of the rule to pending applications as of the rule change, and did not dispute the rule changes themselves with respect to prospective applications.

constituted limited partnership, it provided other, incorrect information in its application regarding its limited partners, and their ownership interests in other media of mass communications. It is impossible to verify the principals associated with JEM. JEM has played hide-and-seek with the Commission and the other applicants in this proceeding, and its tactics cannot be condoned.

13. JEM has also failed to provide good cause for acceptance of this amendment. JEM asserts only that the general partner "did not discover this error until recently." This explanation is insufficient, especially in view of the fact that the General Partner affirmatively certified to the truth and accuracy of the date and place of JEM's enabling charter as set forth in JEM's application as filed. JEM has offered no explanation of why the error may have occurred, why it took JEM nearly two and one-half years to discover the failure to file its Certificate of Limited Partnership, or why it originally stated that the Certificate had been filed on December 14, 1989. Moreover, the gross untimeliness of discovery and correction of its error raises questions regarding the partnership's bona fides, and the truth of the representations made by JEM in its original application.

14. Acceptance of the amendment would constitute an impermissible comparative upgrading of JEM's application and would prejudice the other parties to this proceeding. It is well-established law that a limited partnership is a creature

of statute, and has no existence in the absence of registration with the state. Generally, such partnerships are regarded as general partnerships until the date of filing of a Certificate of Limited Partnership. Thus, until March 19, 1991, and as of the B cut-off date in this proceeding, JEM can be regarded only as a general partnership, and not as a limited partnership, for comparative purposes. Its principals can only be accorded voting control consonant with their equity interests, and Ms. Morgan can claim only 20% voting control, not 100%. Even if JEM's amendment is accepted for reporting purposes, any possible upgrading of JEM's application must be abjured. JEM, however, has not renounced such comparative upgrading; indeed, Ms. Morgan has claimed full, 100% quantitative integration credit pursuant to JEM's Integration Statement submitted with JEM's Petition for Leave to Amend and Amendment. Such impermissible upgrading cannot be countenanced. JEM's proffered amendment regarding the date of filing of its Limited Partnership Certificate must be denied. In the alternative, if accepted, all possible upgrading of JEM's application must be precluded.

D. Amendment Regarding Notice to the FAA.

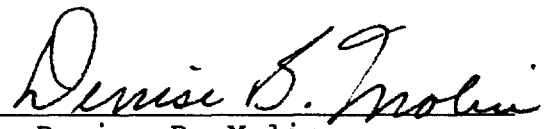
15. JEM also seeks to amend its application to provide a copy of an FAA Form 7460-1, filed on March 19, 1991 in response to a Motion to Enlarge Issues against JEM for an air hazard issue, which the Mass Media Bureau supported in Comments filed after the date of filing of JEM's Notice. Here

again, JEM does not even begin to provide any sort of rationale for failing to file a prior notice with the FAA. It is not sufficient to file such a notice in response to the Motion to Enlarge issues, without offering some further explanation for the failure to have timely filed a notice with the FAA at the time of its originally-filed application. JEM's Petition with respect to this amendment should be denied. Texas Broadcasting Ltd. Partnership, 5 FCC Rcd 5876 (Rev. Bd. 1990).

WHEREFORE, the foregoing considered, White respectfully requests that the Presiding Judge DENY the Petition for Leave to Amend and Amendment proffered by JEM. In the alternative, if any portion of the requested Petition is granted, White respectfully requests that the Presiding Judge preclude any comparative upgrading by JEM.

Respectfully submitted,

Charley Cecil & Dianna Mae White
d/b/a
WHITE BROADCASTING PARTNERSHIP

By: 
Denise B. Moline

Its Attorney

McCabe & Allen
9105B Owens Drive
P.O. Box 2126
Manassas Park, VA 22111

(703) 361-2278

May 14, 1991

MM DOCKET NO. 90-10
WHITE BROADCASTING PARTNERSHIP

BALDWIN, FLORIDA
OPPOSITION TO PETITION FOR
LEAVE TO AMEND AND AMENDMENT

RECEIVED

MAY 14 1991

Federal Communications Commission
Office of the Secretary

ATTACHMENT 1

Excerpts from Application of
JEM Productions, Limited Partnership

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only
	FEE TYPE	Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	FEE AMT:	If fee exempt (see 47 C.F.R. Section 1.1112), indicate reason therefor (check one box): <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Governmental entity
	ID SEQ:	FOR COMMISSION USE ONLY FILE NO.

Section I - GENERAL INFORMATION

1. Name of Applicant JEM Productions, Limited Partnership C/O Joyce E. Morgan			Send notices and communications to the following person at the address below: Name Salvador A. Serrano		
Street Address or P.O. Box 2372 Pacific Silver Dr.			Street Address or P.O. Box 7205 Enterprise Avenue		
City Jacksonville	State FL	ZIP Code 32216	City McLean	State VA	ZIP Code 22101
Telephone No. (Include Area Code) 904-642-6329			Telephone No. (Include Area Code) 703-734-0477		

2. This application is for: ☐ AM ☒ FM ☐ TV

(a) Channel No. or Frequency 289A	(b) Principal Community	City Baldwin	State FL.
--------------------------------------	-------------------------	-----------------	--------------

(c) Check one of the following boxes:

☒ Application for NEW station

☐ MAJOR change in licensed facilities; call sign: _____

☐ MINOR change in licensed facilities; call sign: _____

☐ MAJOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ MINOR modification of construction permit; call sign: _____

File No. of construction permit: _____

☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application? ☐ Yes ☒ No

If Yes, state:

Call letters	Community of License	
	City	State

Section II - LEGAL QUALIFICATIONS

Name of Applicant

JEM PRODUCTIONS, LIMITED PARTNERSHIP

Applicant is (check one box below)

☐ Individual

☐ General partnership

☐ For-profit corporation

☐ Other

☒ Limited partnership

☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No.
NA

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g. a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date December 14, 1989 Place Dover, Delaware

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

☐ Yes ☒ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No.
NA

5. Complete, if applicable, the following certifications:

- (a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

☒ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

- (b) Does any investment company (as defined in 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☒ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

☐ Yes ☐ No

Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

1. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
2. Citizenship.
3. Office or directorship held.
4. Number of shares or nature of partnership interests.
5. Number of votes.
6. Percentage of votes.
7. Other existing attributable interests in any broadcast station, including the nature and size of such interests.
8. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

1	JEM Productions, Limited Partnership Joyce E. Morgan 2372 Pacific Silver Dr. Jacksonville, FL. 32216	Peter B. Knobel 645 Fifth Avenue New York, N.Y. 10022	Robin M. Rothschild Steep Hill Road Box 183 Wilmington, VT. 05363
2	U.S.	U.S.	U.S.
3	GENERAL PARTNER	LIMITED PARTNER	LIMITED PARTNER
4	20% Equity Ownership 100% Attributable Interest	40% Non- Party Equity Owner	40% Non- Party Equity Owner
5	100%	NONE	NONE
6	100%	NONE	NONE
7	NONE	NONE	WVAY-FM, Wilmington, VT. 89% Ownership (Attributable)
8	NONE	NONE	See Exhibit E-1 for Non- Attributable Broadcast Ownership Interests

Has applicant, any party to the application or any non-party equity owner in the applicant have they had, any interest in:

broadcast station, or pending broadcast station application before the Commission?

☒ Yes ☐ No

Yes ☒ No

broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☒ No

broadcast application which has been denied by the Commission?

☐ Yes ☒ No

Yes ☒ No

broadcast station, the license of which has been revoked?

☐ Yes ☒ No

broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

Exhibit No.
NA

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.
E-1

Name of party having interest:

Nature of interest or connection, giving dates:

Call letters of stations or file number of application or docket; and

Location.

Yes ☒ No

Has any of the parties to the application or non-party equity owners in the applicant related (as husband, wife, father, mother, brother, sister, son or daughter) to each other?

☐ Yes ☒ No

Yes ☒ No

Has any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application or non-party equity owner in the applicant have any interest in or connection with any other broadcast station, pending broadcast application or newspaper in the same area (see Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

Exhibit No.
NA

If the answer to (a) or (b) above is Yes, attach an Exhibit giving full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the number of such application, and the location of such station or proposed station.

Exhibit No.
NA

If in an Exhibit any interest the applicant or any party to this application proposes to have, in the event of a grant of this application.

Exhibit No.
E-2

OTHER MASS MEDIA INTERESTS

Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction 8 to Section 11.)

☐ Yes ☒ No

Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see Section 73.3555(c)), or, in the case of a television station applicant only, a cable television system in the same area (see Section 76.501(a))?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.
NA

CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

11. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction C to Section 11.)

☐ Yes ☒ No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.
NA

12. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.
NA

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

☒ Yes ☐ No

2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue.

\$ 250,000.00

3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
Peter B. KNobel 645 Fifth Avenue New York, NY 10022	212-308-7122	LIMITED PARTNER	\$250,000.00

Section IV-A - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.
E-3

Section IV-B - INTEGRATION STATEMENT

Attach as an Exhibit the information required in 1 and 2 below.

Exhibit No.
E-4

1. List each principal of the applicant who, in the event of a grant of the application on a comparative basis proposes to participate in the management of the proposed facility and, with respect to each such principal, state whether he or she will work full-time (minimum 40 hours per week) or part-time (minimum 20 hours per week) and briefly describe the proposed position and duties.
2. State with respect to each principal identified in response to Item 1 above, whether the applicant will claim qualitative credit for any of the following enhancement factors:

(a) Minority Status---YES

(b) Past Local Residence ----

If Yes, specify whether in the community of license or service area and the corresponding dates.

(c) Female Status-----YES

(d) Broadcast Experience-----YES

If Yes, list each employer and position and corresponding dates.

(e) Daytime Preference----NO

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

☐ Yes ☒ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 398-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3580?

☒ Yes ☐ No

2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose?

☒ Yes ☐ No

If No, attach as an Exhibit, a full explanation.

Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted Gregory Perich

Telephone No. (include area code) 904-259-2292

Person contacted: (check one box below)

☐ Owner ☒ Owner's Agent ☐ Other (specify)

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant JEM Productions, Limited Partnership	Signature <i>Joyce E. Morgan</i>
Date <i>November 4, 1989</i>	Title GENERAL PARTNER

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT
AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 71 hours 45 minutes to 301 hours 30 minutes with an average of 118 hours 28 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0027), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

EXHIBIT E-1

OWNERSHIP INFORMATION

BROADCAST INTEREST OF ROBIN ROTHSCILD

Ms. Robin Rothschild is a 89% Party/Equity Owner of WWAY-FM, Wilmington, VT. Also she is the limited partner in the following pending applications for new FM Broadcast Stations.

<u>Applicant</u>	<u>File No.</u>	<u>City</u>	<u>State</u>	<u>Nature of Partnership Interest</u>
Shaka Broadcasting, Limited Partnership	BPH890504MG	Kahalulu	HI.	40% non-party Equity Owner
Sam Widge Advtg., Limited Partnership	BPH890713MI	Wallace	ID.	40% non-party Equity Owner
Montauk Communications, Limited Partnership	BPH890913MP	Montauk	NY	40% non-party Equity Owner
Galaxy Broadcasting, Limited Partnership	BPH891130__	Fernandina Beach	FL.	40% non-party Equity Owner

EXHIBIT E-2

DIVESTITURE STATEMENT

The General Partner in this application for a new FM Broadcast station is presently employed at WJKS-TV, Jacksonville, Florida, as a News Reporter/Anchor. In the event the applicant is granted a construction permit, Ms. Joyce Morgan will terminate her employment at station WJKS-TV in order that she may devote full time to the construction, management and operation of the FM Radio station.

INDEX OF EXHIBITS

- E-1-----OWNERSHIP INFORMATION
- E-2-----DIVESTITURE STATEMENT
- E-3-----PROGRAM SERVICE STATEMENT
- E-4-----INTEGRATION/QUALITATIVE ENHANCEMENT FACTORS
AND BROADCAST EXPERIENCE OF GENERAL PARTNER
- E-5-----ANTENNA/SUPPORT STRUCTURE DIAGRAM
- E-6-----INTERFERENCE STATEMENT; DIPLEXED ANTENNA
- E-7-----7.5 MINUTE MAP
- E-8-----CONTOUR MAP
- E-9-----AUXILIARY POWER PROPOSED
- E-10-----BROADCAST CONSULTANT AGREEMENT

CERTIFICATE OF SERVICE

I, Kelly A. O'Donnell of the Law Firm of McCabe & Allen, do hereby certify that I have caused to be served, this 14th day of May, 1991, by First-class mail, postage prepaid, a copy of the foregoing "Opposition to Petition for Leave to Amend and Amendment" on the following:

- * Honorable Edward Luton
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 225
Washington, D.C. 20554
- * Paulette Laden, Esq.
Hearing Branch
Federal Communications Commission
2025 M Street, N.W., Room 7212
Washington, D.C. 20554
Counsel for the Mass Media Bureau

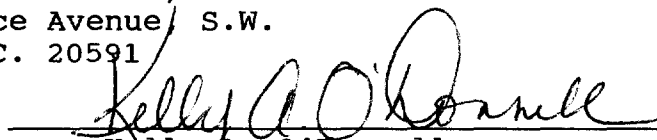
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Kelly A. O'Donnell

*Courtesy Copy, Hand-delivered